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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,223	09/21/2001	Leon C. Chen	EQUUS-060A	4084

7663 7590 12/31/2003

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
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NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/961,223

Applicant(s)

CHEN, IEON C.

Examiner

TAN Q NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAIL ACTION

### *Notice to Applicant(s)*

1. This office action is responsive to the amendment filed on November 03, 2003. As per request, claims 29, 30 (it is noted that this claim is currently amended, not "new" as recited), 35-37 have been amended. Claims 38-42 have been added. Thus, claims 29-42 are pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.

4. Claims 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gurne et al. (5,541,840) in view of Fieramosa et al. (6,021,366).

5. As per claims 29, 38, 39 and 42, Gurne et al. disclose the invention as claimed which includes handheld unit for downloading the fault codes generated from the onboard computer and generating a visual output signal representative of the status of the vehicle which is independent of resources external to the handheld unit (see at least figure 1 and column 7, lines 22-40). For example, the message "O2 sensor threshold low" as shown in column 7, line 39.

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6. Gurne et al. do not explicitly disclose that the visual output signal being representative of passed/failed/inconclusive status. However, it would be obvious to one of ordinary skill in the art to realize that such message in the example of Gurne et al. can be interpreted as fail status. In addition, such visual output signal representative of passed/failed/inconclusive status are well known in the art at the time the invention was made as shown in at least figure 5, steps 128, 134, 138 and 140 of the Fieramosca et al. It would have been obvious to one of ordinary skill in the art to incorporate such visual output signal as shown in the Fieramosca into the system of Gurne et al in order to clearly let the user read the status of the component being tested.

7. As per claims 30 and 31, Gurne et al. further disclose that the handheld unit can be connected to a computer to correlate the fault code to problem description data for diagnosing the vehicle and downloading such description data (see at least column 7, lines 42-53).

8. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurne et al. and Fieramosca et al. as applied to the claims above, and further in view of Kubozono et al. (5,506,772).

9. Gurne et al. disclose the claimed invention as discussed above except for the communication between the computer with a remote computer. However, Kubozono et al. disclose an apparatus and method of diagnosing a vehicle via a remote computer which includes the steps of connecting a portable tester to the onboard computer (see figure 1), communicating between the tester with the onboard computer to see if there is a malfunction signal of the various control systems (see column 2, lines 54-67), communicating between the tester and a personal computer regarding to the malfunction signal (see figure 1 and column 3, lines 4-15), communicating between the

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personal computer and a remote computer regarding to the malfunction status (see figure 1 and the related text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kubozono et al. into the system of Gurne et al. in order to further assistance from a remote computer when needed.

10. Claims 34-37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurne et al. and Fieramosca et al. as applied to the claims above, and further in view of Gordon (4,207,611) and Fera (6,263,265).

11. With respect to claim 34 and 35, Gurne et al. and Kubozono et al. disclose the claimed invention as discussed above except that the handheld unit comprises selectively illuminating one of a plurality of visual indicia being representative of a different status of the vehicle. However, Gordon does suggest a portable tester which includes the indicators, "ok", "low" or "high" LEDs, each indicates the status of the various vehicle systems (see figures 1, 7 and the related text). Furthermore, it is obvious to one of ordinary skill in the art at the time the invention the color codes are well know used to indicate the status of the unit. For example in the Fera reference, green for a properly functioning unit, yellow for an abnormally in one of its operating parameters, and red for a critical fault (see column 3, lines 54-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gordon and Fera into the system of Kubozono et al. and Chou et al. in order to modify the tester with the visual color indicators for not only identify the fault unit but also give the indication of how critical the fault unit is.

12. With respect to claims 36 and 37, it would have been obvious to one of ordinary skill in the art the when the trouble codes are transferred to the portable unit, the

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indicators on the portable unit are independent of any communication with the personal computer since it does not need the personal computer just yet.

13. With respect to claims 40 and 41, Gurne et al. do disclose that the handheld unit can downloading part/service information as shown in at least the abstract, and column 13 line 1 to column 14, line 14.

***Remarks***

14. Applicant's arguments filed on June 09, 2003 have been fully considered.

15. In the amendment, applicants essentially argue that the references cited fails to disclose the "construction as set forth in the claims". Applicants further argued that "nor the Kobozono reference appear to include any tester is operative to summarize vehicle status independent of user interaction with the tester or personal computer". Such feature is newly added. Further, claim 29 is amended to includes the new issue which lead to the new rejection as set forth above.

16. Applicant also argued that the neither Gordon and Fera references appears to be directed to interfacing a vehicle onboard computer with a hand held code reader. It is noted that the claims were rejected under 35 U.S.C 103 (a), otherwise, it should be rejected under 102. Such selective illumination of visual representative of different status of a vehicle as from Gordon and Fera is motivated one of the ordinary skill in the art to incorporate in the system of Gurne et al. to improve the visual output indication for the user.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the central official fax:

(703) 872-9306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

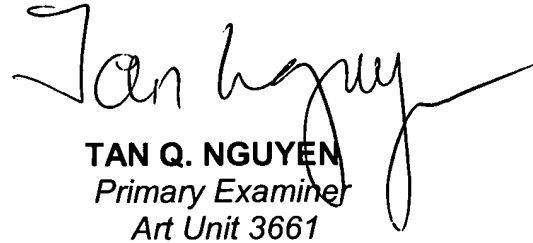
Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

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/tqn  
December 18, 2003

  
**TAN Q. NGUYEN**  
*Primary Examiner*  
*Art Unit 3661*